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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,195	08/28/2001	Atarbes K. Gorman	BEAS-01069US1	5978

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EXAMINER
CHARIOUI, MOHAMED

ART UNIT	PAPER NUMBER
2857	

DATE MAILED: 07/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application N .	Applicant(s)	
	09/941,195	GORMAN, ATARBES K.	
	Examiner	Art Unit	
	Mohamed Charioui	2857	

-- The MAILING DATE of this communication appears on the c ver sheet with the c rresp ndence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 January 2002* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☒ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 August 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: Applicant uses the expression JMX (Java Management Extensions) throughout the specification; Examiner notes that JMX is a trademark. The Applicant is required to amend the specification to acknowledge JMX as a trademark.

Appropriate correction is required.

Claim Objections

2. **Claim 5** is objected to because of the following informalities: in page 14, line 18, the claim recites the limitation "said source". There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

Claim 11 is objected to because of the following informalities: in page 16, line 1, the claim recites the limitation "wherein the interface". There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8, 10, 12 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap

between the steps. See MPEP § 2172.01. The omitted step is the step that explains how the JMX monitors are being tested.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 5 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Jenkins, IV et al.

As per claims 1, 3 and 8, Jenkins, IV et al. teach a generator adapted to generate a signal; a monitor adapted to monitor the signal (see Abstract and col. 5, lines 4-53); and a notifier adapted to generate a notification in response to the monitoring of the signal by the monitor (see col. 4, line 59 to col. 5, line 3).

As per claim 5, Jenkins, IV et al. further teach source is selected from the group consisting of data libraries, data files, application code, or user entry (see col. 5, lines 4-10)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. **Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over Jenkins, IV et al. in view of Eckley et al.

Jenkins, IV et al. teach the system as stated above. Jenkins, IV et al. do not explicitly teach a listener for receiving the notification.

Eckley et al. teach this feature (see col. 3, lines 33-62). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Eckley et al.'s teaching into Jenkins, IV et al.'s invention because a listener is a sub-module of the computer program that senses for a command and informs the module that a notification has been received so that an action can be performed. Therefore,a listener would receive the notification generated by the monitor and dynamically instantiate a configuration to fix any problem in response to the notification.

6. **Claims 4, 6, 7, 10 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Jenkins, IV et al. in view of Raimi et al.

As per claims 6, 7, 10, 12 and 14, Jenkins, IV et al. teach the system as stated above except for a timer, adapted to control the time for testing.

Raimi et al. teach this feature (see col. 5, lines 3-20 and col. 10 line 51 to col. 11, line 13). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Raimi et al.'s teaching into Jenkins, IV et al.'s invention because a timer would communicate the time corresponding to the speed path to the monitor code generator to generate a unique signal for each particular timing path. Therefore, the time output file would specify the speed paths of interest to the monitor and simulation would be more effective.

As per claim 4, Jenkins, IV et al. teach the system as stated above except for a source of at least one equation to be used in generating the signal.

Raimi et al. teach this feature (see col. 2, line 64 to col. 3, line 22). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Raimi et al.'s teaching into Jenkins, IV et al.'s invention because test signal have a different characteristic such as the timing path. Therefore, an equation is needed to generate a particular test signal or test vector to exercise a particular path for efficient simulation.

7. **Claims 9, 11, 13, 15-17 and 19-25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Raimi et al. in view of Kruger et al. (WO 00/77632).

As per claims 9, 11, 13, 15, 16 and 19-25 Raimi et al. teach a signal or code generator adapted to generate a signal or code; and a library of equations for use in the signal or code generator, each equation representing a signal capable of being generated by the signal or code generator (see col. 2, line 44 to col.3, line 22).

Raimi et al. do not specifically teach a generator MBean adapted to generate a signal.

Kruger et al. teaches this feature (see page 23, line 20 to page 25, line 37). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Kruger et al.'s teaching into Raimi et al.'s invention because a generator MBean would generate codes in high-level language Java that would be later converted into a combination of gates in a low level language to be used in computer

simulation. Therefore, the signals generated from the generator MBean would be formulated according to the MBean codes to conduct the correct simulation.

As per claim 17, Raimi et al. further teach storing the testing values to a data store (see col. 3, lines 18-22).

Prior art

8. The prior art made record and not relied upon is considered pertinent to applicant's disclosure:

Hattmann et al. ['342] disclose system and method for functional testing of distributed, component-based software.

Timbol ['135] discloses development system with visual design tools for creating and maintaining Java beana components.

Grucci et al. ['845] disclose concurrent execution and logging of a component test in an entroprise computer system.

Alcorn ['218] discloses method and apparatus for generating dips for use with Java.

Beohme et al. ['191] discloses method and apparatus for dynamic generation of adapters.

Ezekiel ['977] discloses data acquisition from a remote instrument via the Internet.

Silva et al. ['268] disclose distributed automated testing system.

Contact information

9. Any inquiry concerning this communication from examiner should be directed to Mohamed Charioui whose telephone number is 703 605-4362. The examiner can normally be reached Monday to Friday 9 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached at 703 308-1677. The fax phone number for the organization where this application is assigned is 703 305-3431.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose number is 703 308-0956.

Mohamed Charioui

7/7/03

MARC S. HOFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800